

HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.5409 of 2006

Date of decision : 15.12.2006.

Gurbux Singh and another

.....Petitioners

versus

Naresh Kumar and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Amandeep Agnihotri, Advocate for the petitioners

Mr.Sandeep Bansal, Advocate for respondent No.1.

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ORDER

HEMANT GUPTA, J. (Oral)

The present revision petition is directed against the orders dated 14.10.2003 and 9.11.2005, whereby an application for recalling of the order dated 14.10.2003, was dismissed.

Learned counsel for the respondent has pointed out that the petitioners-defendants have delayed the proceedings intentionally in as much as they have not filed the written statement although they put in appearance before the learned trial Court on 8.1.2003.

Learned counsel for the petitioner states that he has no objection in contesting the suit subject to payment of heavy costs.

In view of the consent of the learned counsel for the respondent, the orders dated 14.10.2003 and 9.11.2005 are set-aside subject to payment of Rs.5000/- as costs. The petitioner shall file the written statement and pay the amount of Rs.5000/- as costs on or before 19.1.2007 before the learned trial Court. If such amount is paid and

written statement is filed, the learned trial Court shall frame the issues and thereafter on the filing of replication, if any sought to be filed by the plaintiff, permit the plaintiff to lead the evidence on the date fixed i.e. 27.4.2007.

The revision petition stands disposed of accordingly.

December 15, 2006
**mohinder*

(HEMANT GUPTA)
JUDGE